

FEDERAL COMMUNICATIONS COMMISSION
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March 3, 2010

Howard Liberman, Esq.
Drinker Biddle & Reath, LLP
1500 K Street NW, Suite 1100
Washington, DC 20005-1209

Re: GAP Broadcasting Lawton License, LLC
KZCD(FM), Lawton, Oklahoma
Facility Identification Number: 12791
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 2, 2010¹, on behalf of GAP Broadcasting Lawton License, LLC ("GAP"). GAP requests special temporary authority ("STA") to operate Station KZCD with emergency antenna facilities pursuant to Section 73.1680.² In support of the request, GAP states that, on February 1, 2010, the station's tower collapsed due to severe icing. GAP states that it has restored operation with an emergency antenna mounted on the studio STL tower. GAP provides technical details for the emergency antenna operation.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KZCD may operate with the following facilities:

Geographic coordinates:	34° 36' 13" N, 98° 23' 54" W (NAD 1927)
Channel	231 (94.1 MHz)
Effective radiated power:	1 kilowatt (H&V)
Antenna height:	
above ground:	23 meters

¹ The request was originally filed on February 4, 2010, as a request for Legal STA. At the request of the staff, the request was resubmitted on the Engineering STA form; the original filing is dismissed as moot.

² KZCD is licensed for operation on Channel 231C2 (94.1 MHz) with effective radiated power of 18 kilowatts (H&V) and antenna height above average terrain of 160 meters.

above mean sea level: 363 meters
Above average terrain: 11 meters

GAP must notify the Commission when licensed operation is restored. GAP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **September 3, 2010**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: GAP Broadcasting Lawton License, LLC